

**Vanida Khautisen, as Personal Representative)
of the Estate of Khouanexay Bill Sivilay,)**

PLAINTIFF,

V.

**BHG Holdings, LLC, and BHG XXXVIII,
LLC,**

DEFENDANTS.

C.A. No. 7:21-cv-03775-TMC

**CONSENT ORDER GRANTING
LEAVE TO DEPOSE AN
INCARCERATED INDIVIDUAL**

THIS MATTER comes before the Court upon Defendants’ Consent Motion to Depose an Incarcerated Individual, pursuant to Rule 30(a)(2)(B), F.R.C.P. Plaintiff filed this wrongful death and survival action on December 18, 2021. ECF No. 1. Plaintiff alleges that Khouanexay Bill Sivilay’s death was due to Defendants’ treatment of an individual (“Patient T.N.”) at its opioid treatment program in Spartanburg, South Carolina. Patient T.N.’s name is abbreviated since this case arises out of his potentially private medical treatment. Plaintiff alleges that Patient, T.N., on December 26, 2020, ran a red light and crashed his vehicle into another that was driven by Mr. Sivilay. ECF No. 1, at pg. 1. Tragically, Mr. Sivilay died because of the collision.

Upon information and belief, T.N. is currently incarcerated at the Spartanburg County Detention Center in Spartanburg, South Carolina.

As grounds for their Motion, Defendants showed the following:

- a) The circumstances of Patient T.N.'s medical treatment at BHG, particularly on the dates surrounding the incident, is a key issue in this case;
- b) Patient T.N.'s compliance and/or non-compliance with his treatment program at BHG is a key issue in this case;
- c) Patient T.N. is in possession of key information surrounding the motor vehicle collision between Patient T.N. and Mr. Sivilay, and any potential causes thereof; and
- d) Without Patient T.N.'s testimony, Defendant would be unfairly prejudiced in their defense of Plaintiff's claims.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that Defendants be granted leave to take the deposition of inmate Patient T.N., at the Spartanburg County Detention Center, or at the institution where the inmate is housed at the time of his deposition.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "T. M. Carr", written over a horizontal line.

The Honorable District Court Judge presiding

October 6, 2022
Anderson, South Carolina